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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/733,848 | 12/08/2000 | William J. Byrne | 2222.0310000 | 2028 |
| 26111 | 7590 | 03/21/2006 | EXAMINER | |
| STERNE, KESSLER, GOLDSTEIN & FOX PLLC 1100 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005 | | | SING, SIMON P | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2645 | |

DATE MAILED: 03/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/733,848

Applicant(s)

BYRNE ET AL.

Examiner

Simon Sing

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2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-9, 15-21, 27 and 28 is/are rejected.
- 7) ☒ Claim(s) 10-14 and 22-26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 3-5, 7-9, 15-17, 19-21, 27 and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by VoiceXML Forum (Forum hereafter).

1.1 Regarding claim 3, Forum teaches using a script composed in accordance with a Voice eXtensible markup language (VoiceXML) for scripting interactive voice response services with an embedded java application JSGF (page 6). Forum also teaches having an embedded element (object) of a high-level programming language (ESMA Script, i.e. JAVA Script, page 79), when the object (debit.card.number) is executed, it returns (dynamically generated) an ECMAScript object as the value of it form valuable, such as in a VoiceXML prompt: "The card number is <value expr="debit.card_no"/>" in section 14.5, page 60, and when the prompt is processed, the object "debit.card_no" is replaced with a card number, for example 1234 5678 (generated script segment), and the text for the prompt will be: "The credit card number is 1234 5678", which is then convert to audio by an Interpreter. Forum further discloses an example for announcing time in pages 77 and 78, which a script (ECMAScript, section 4, page 13) is embedded in a

VXML, and when executed, the script dynamically generates the time which is then announced by an Interpreter.

1.2 Regarding claims 4 and 27, as discussed in claim 3, the language is VoiceXML (voice extensible markup language).

1.3 Regarding claim 5, as discussed in claim 3, the high level language is JAVA.

1.4 Regarding claim 7, Forum discloses receive voice request from weather information from a user and processing the request (pages 24 and 25).

1.5 Regarding claim 8, Forum discloses http linkage (page 24).

1.6 Regarding claims 9 and 21, Forum teaches interprets the generated script segment, such as a card number or hour, minute and seconds.

1.7 Regarding claim 15, forum discloses a VoiceXML interpreter in page 7. Forum teaches an application program (Voice Response Application) adapted to select and process a VoiceXML with embedded an element (object) of a high-level programming language (ESMA Script, i.e. JAVA Script, page 79), when the object (debit.card.number) is executed, it returns (dynamically generated) an ECMAScript object as the value of it from valuable, such as in a VoiceXML prompt: "The card number is <value

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expr="debit.card_no"/>" in section 14.5, page 60, and when the prompt is processed, the object "debit.card_no" is replaced with a card number, for example 1234 5678 (generated script segment), and the text for the prompt will be: "The credit card number is 1234 5678", which is then convert to audio by an Interpreter. Forum further discloses an example for announcing time in pages 77 and 78, which a script (ECMAScript, section 4, page 13) is embedded in a VXML, and when executed, the script dynamically generates the time which is then announced by an Interpreter.

1.8 Regarding claims 16 and 28, as discussed in claim 15, the language is VoiceXML (voice extensible markup language).

1.9 Regarding claim 17, as discussed in claim 15, Forum teaches that the high-level language is JAVA.

1.10 Regarding claim 19, a voice response application inherently has a media telephony system adapted to receive a voice request from a user, such as a request for weather information (pages 24 and 25).

1.11 Regarding claim 20, Forum discloses http linkage (page 24).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 6 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over VoiceXML Forum (Forum hereafter) in view of Campaigne et al. US 6,496,812.

The Forum teaches embedding a high-level language (i.e. JAVA) object, but fails to teach that the object comprises a Java Server Page (JSP).

However, Campaigne teaches Java objects comprise Java Servlets, Java Beans and Java Server Pages (column 6, lines 9-12).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Forum with the teaching of Campaigne, so that object would have been comprised a Java Service Page, because such a modification would have enabled the Forum to included other Java objects in the VoiceXML.

Response to Arguments

3. Applicant's arguments filed on 01/04/2006 regarding claims 3 and 15 have been fully considered but they are not persuasive.

Applicant argues that forum fails to teach embedding a high level language element in the VXML and dynamically generating a script segment. However, as pointed out in the Office Action, Forum teaches embedding an ECMAScript or JAVA script in the VXML, and the JAVA script is a high level language element as disclosed in the Specification. Further more a VXML segment is (dynamically) generated when an <object> or <script> is executed.

Allowable Subject Matter

4. Claims 10-14 and 22-26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is a statement of reasons for the indication of allowable subject matter:

The current invention claims executing an embedded high level language element to generate a script segment and interpreting a processed script (including the script segment) to generate a voice response. The current invention further claims interpreting the generated script segment to select an audio prompt randomly, or with a pre-determined order, or from a variable list of audio prompts, and to route an incoming call to other application(s). Forum teaches interpreting that only generates audio response, but not other further functions as claimed.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Simon Sing whose telephone number is 571-272-7545. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached at 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306 (571-273-8300 after 7/15/2005). Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.



S. Sing

03/13/2005



FAN TSANG
SUPERVISORY PATENT EXAMINER
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